

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

NORTEK AIR SOLUTIONS, LLC,
 Plaintiff,
 v.
 DMG CORPORATION, et al.,
 Defendants.

Case No. 14-cv-02919-BLF

**ORDER GRANTING SEALING
 MOTIONS**

[Re: ECF 358, 359]

Before the Court are parties' administrative motions to file under seal portions of the Trial Transcripts consisting of testimony given while the courtroom was sealed to the public. ECF 358, 359. For the reasons stated below, the motions are GRANTED.

I. LEGAL STANDARD

"Historically, courts have recognized a 'general right to inspect and copy public records and documents, including judicial records and documents.'" *Kamakana v. City and Cnty. of Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006) (quoting *Nixon v. Warner Commc'ns, Inc.*, 435 U.S. 589, 597 & n.7 (1978)). Consequently, access to motions and their attachments that are "more than tangentially related to the merits of a case" may be sealed only upon a showing of "compelling reasons" for sealing. *Ctr. for Auto Safety v. Chrysler Grp., LLC*, 809 F.3d 1092, 1101–02 (9th Cir. 2016). Filings that are only tangentially related to the merits may be sealed upon a lesser showing of "good cause." *Id.* at 1097.

In addition, sealing motions filed in this district must be "narrowly tailored to seek sealing only of sealable material." Civil L.R. 79-5(b). A party moving to seal a document in whole or in part must file a declaration establishing that the identified material is "sealable." Civ. L.R. 79-5(d)(1)(A). "Reference to a stipulation or protective order that allows a party to designate certain documents as confidential is not sufficient to establish that a document, or portions thereof, are

sealable.” *Id.*

II. DISCUSSION

The Court has reviewed the parties’ sealing motions and respective declarations in support thereof. The Court finds the parties have articulated compelling reasons to seal certain portions of the submitted documents. The proposed redactions are also narrowly tailored. The Court’s rulings on the sealing requests are set forth in the tables below:

A. ECF 358

Identification of Documents to be Sealed	Description of Documents	Court’s Order
Trial Transcript Vol. 4 (July 27, 2016) 788:1-23, 25 (beginning after “with”); 789:1-3	Testimony relating to confidential business information of Defendant.	GRANTED.
Trial Transcript Vol. 6 (August 1, 2016) 1318:12-19; 1319:1-13 (beginning after “an attorney” on 1319:1), 17-22; 1320:6-14; 1399:13-17; 1399:21-1400:6	Testimony relating to confidential business information of Defendant.	GRANTED.

B. ECF 359

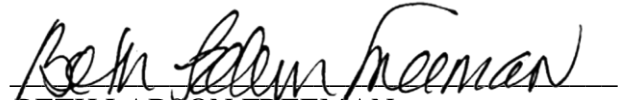
Identification of Documents to be Sealed	Description of Documents	Court’s Order
Trial Transcript Vol. 3 (July 26, 2016) 348:9-10 (beginning after “about” and ending with “Labs.”); 348:18-20 (beginning after “reasons”); 348:22-351:7; 368:6-8 (beginning after “2015”); 368:18-372:24	Testimony relating to confidential business information of Plaintiff.	GRANTED.
Trial Transcript Vol. 4 (July 27, 2016) 600:3-19	Testimony relating to confidential business information of Plaintiff.	GRANTED.

III. ORDER

For the foregoing reasons, the sealing motions at ECF 358, 359 are GRANTED.

IT IS SO ORDERED.

Dated: September 2, 2016


BETH LABSON FREEMAN
United States District Judge